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WEDNESDAY, JANUARY 14, 1870.

THE BASIS OF VIRGINIA.

The opponents of the admission of Virginia under the bill of General Pike, seem to labor under the impression that the Constitution is a sort of perpetual salt in shackings, which, they contend, should be upon, and never be thrown off or untied. From the fact that President Johnson continued, without legal authority, to hold the reins of reconstruction, which, when joined with Congress, found itself obliged to relinquish, it does not follow that Congress was with equal wrong and without precedent, in the reconstruction which have been successively made by the three branches of the government, and it is clear beyond doubt that the Fourteenth Amendment and the Reconstruction Acts have not been repealed with, in every respect. It is not to be doubted, or denied that, if the most vital of the two laws which put Virginia and Mississippi back into the Union, would have to be readopted with open eyes. And yet it is quite clear that, if the officers of the State Government and Legislature of Virginia shall be required to take the oath that they have not, after assuming officially to support the Constitution of the United States, joined in or aided the rebellion; and, secondly, that the Constitution of the State shall not be hereafter amended so as to deprive excluded citizens of the right to vote, hold office, and act as jurors.

With regard to the oath, it was for a time questioned whether, under the existing Reconstruction law, the Legislature and State officers were required to take it, and the opinion of Attorney General Hoar was obtained that they need not take it. Upon this construction of the law the President has acted and the State Government has been organized. It is true that Congress is particularly responsible for Mr. Hoar's opinion. But it will at least assume an angry aspect, if Congress should now, requiring what it would insist in requiring certain oath, now insist without any probable gain in the character of their successors.

Nor do we understand that General Pike and his followers claim that the Attorney General's opinion was erroneous, or that under the existing Reconstruction laws the officers of the Virginia government are required to take the oath. It is true that the Reconstruction laws require them to be of the class who can take the oath. They do, since all who could not take it are in the category to office under any provisional government, and that all State Governments shall be deemed provisional until the State is actually admitted by Congress. There can be no doubt, therefore, that the existing State Government in Virginia is provisional, and that no person is lawfully in office who is who cannot take the oath required by the Fifteenth Amendment. But this does not amount literally to a requirement to take the oath.

Members of Congress may plead that, when the Fathers was hoved to see that in the provisional governments no persons took office who were of the class excluded by the amendment, he was by implication bound to impose some test which would disclose whether they were of that class or not, by requiring of them the oath. To this the administration may reply, however, that if Congress desired the oath to be taken they should have prescribed it, and that he is not authorized to impose tests which they have not seen fit to impose.

The chief question which Congress will be called to consider anything is to be gained by sending Virginia back to elect representatives or senators in place of the men who has elected. There can be no legislation in Virginia which is not constitutionally subject to the veto of a shrewd politician, and that he runs the Congressional Council in a manner that would do honor to Horatio Seymour, or one of the Grand Sachems of Tammany. He has taken a course that to subject the votes before the central except such as he and the Clique of Indian Commissioners appointed by him shall bring before it. They cannot even consider the question of his infallibility until he permits them to. Then politicians are divided among the Virginians as to whether he is or is not infallible. Not of them, however, seems to think it proper, until they embody the question and bring the votes of a sufficient number to insure the success of the Legislature, to bring the question of his infallibility before the House. In fact, it is not certain that if the Legislature should be by just what

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